

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

B.I.C.,

Petitioner,

Case No. C16-132-MJP

v.

NATHALIE R. ASHER, *et al.*

ORDER GRANTING PETITION FOR
WRIT OF HABEAS CORPUS

Respondents.

The Court, having reviewed the Report and Recommendation (Dkt. No. 18) of James P. Donohue, Chief United States Magistrate Judge, Respondents' Objections thereto (Dkt. No. 19), and the remaining record, hereby ORDERS:

(1) The Court ADOPTS the Report and Recommendation. Given the time-sensitive nature of this matter, the Court issues this preliminary order now; a full order will follow.

(2) Respondent's Motion to Dismiss (Dkt. No. 15) is DENIED.

(3) Petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2241 (Dkt. No. 1) is GRANTED. The determination by the Office of Refugee Resettlement ("ORR") that petitioner was over the age of 18 at the time he was placed into ICE custody is VACATED.

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1 Respondents shall TRANSFER petitioner from the custody of Immigration and Customs
2 Enforcement to the custody of ORR until petitioner reaches the age of 18 based on the birth date
3 he reported to Department of Homeland Security officials at the time he applied for admission
4 into the United States.

5 (4) Petitioner's requests for declaratory and injunctive relief under the Administrative
6 Procedure Act are DENIED.

7 (5) The Clerk is directed to send copies of this Order to all counsel of record and to
8 the Honorable James P. Donohue.

9 DATED this 29th day of April, 2016.

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12 Marsha J. Pechman
13 United States District Judge
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